



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

JUL 22 2014

CERTIFIED MAIL -  
RETURN RECEIPT REQUESTED

Charles Pufahl  
556 Longview Drive  
Manchester, VT 05254

Re: Notice of Potential Liability Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9607(a), Related to the New Cassel/Hicksville Ground Water Contamination Superfund Site in the Towns of Hempstead, North Hempstead and Oyster Bay in Nassau County, New York

Dear Mr. Pufahl:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threat of release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §§ 9601-9675. EPA has documented the release and threat of release of hazardous substances into the environment at the New Cassel/Hicksville Ground Water Contamination Superfund Site located in the Towns of Hempstead, North Hempstead, and Oyster Bay in Nassau County, New York (the "Site"). A Site Description and Site Location Map are enclosed. On September 16, 2011, the Site was listed on the "National Priorities List" of hazardous substance releases that has been established pursuant to CERCLA. In response to these releases and the threat of future releases, EPA has spent public funds and EPA anticipates spending additional public funds for the Site.

The Site comprises a widespread area of ground water contamination in the Towns of Hempstead, North Hempstead, and Oyster Bay. The Site is located in a heavily developed area consisting of industrial, commercial, and residential land where a variety of past industrial and commercial activities may have contributed to ground water contamination. Prior to the Site's inclusion on the National Priorities List, an EPA investigation revealed the presence of volatile organic compounds ("VOCs") including, but not limited to, tetrachloroethylene ("PCE") and trichloroethylene ("TCE") above state and federal drinking water standards in influent water in the following public water supply wells: four Town of Hempstead wells (Bowling Green 1 and 2, Roosevelt Field 10 and Levittown 2A), six Hicksville wells (4-2, 5-2, 5-3, 8-1, 8-3 and 9-3)



and Westbury Water District Well 11. The aquifers underlying the Site serve as drinking water for the public water systems in the Towns of North Hempstead, Hempstead, and Oyster Bay. On July 19, 2013, EPA issued a memorandum entitled Supplemental Remedial Investigation Memorandum which, among other things, summarized the groundwater data collected through 2011 in the area designated by EPA as operable unit one ("OU1") for the Site. EPA determined that three groundwater plumes exist at OU1 (the eastern, central, and western plumes). These plumes are characterized by chlorinated VOCs, primarily PCE and TCE.

Based on the results of the Supplemental Remedial Investigation Memorandum and the Supplemental Feasibility Study Technical Memorandum for OU1 issued on July 23, 2013, on September 30, 2013, EPA issued a Record of Decision ("ROD") for OU1, in which it selected an interim remedy for OU1 at the Site. The interim remedy includes, but is not limited to, a combination of in-situ treatment of groundwater via in-well vapor stripping and extraction of groundwater via pumping, and ex-situ treatment of extracted groundwater prior to discharge and in-situ chemical treatment to target high concentration contaminant areas. The success of the interim remedy for OU1 is contingent upon the completion of the on-going response actions at the New Cassel Industrial Area facilities overseen by NYSDEC pursuant to New York State authority.

EPA's September 30, 2013 ROD also called for the performance of an investigation of the area of groundwater contamination in the far field downgradient of OU1, which EPA considers operable unit three ("OU3") at the Site.

#### NOTICE OF POTENTIAL LIABILITY

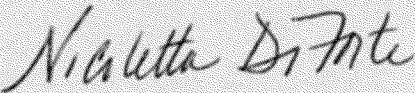
Under CERCLA, responsible parties may be held liable for all monies expended by the federal government in taking response actions in connection with a site where there has been a release or a threatened release of hazardous substances -- including the costs of the government's investigative, planning, removal, remedial, and enforcement actions. Responsible parties may also be ordered by EPA to take response actions. Responsible parties under CERCLA include, among others, the current and past owners or operators of a facility from which there has been a release or threatened release of a hazardous substance, and persons or entities that arranged for the treatment or disposal of hazardous substances that were found at a given site. Under certain circumstances tenants have been found to be liable as "owners" under CERCLA.

EPA believes that you, as a general partner of Northern State Realty Co., are liable as an owner of 89 Frost Street, Westbury, NY, a facility from which there has been a release or threatened release of hazardous substances. While Northern State Realty Co. was a tenant at 89 Frost Street, it had indicia of ownership/control under its lease purchase agreement for the property that establish liability as an owner under Section 107(a) of CERCLA, 42 U.S.C § 9607(a). During its tenancy, Northern State Realty Co. sublet the facility to entities which were responsible for the release of hazardous substances at the facility. Accordingly, EPA considers you to be a potentially responsible party ("PRP") pursuant to Section 107(a) of CERCLA.

By letter which you, among others, should be receiving shortly, EPA expects to commence settlement negotiations related to its costs for the Site and for performance of the Remedial Design for OU1 and the Remedial Investigation/Feasibility Study for OU3.

If you have any questions or would like to discuss this matter with EPA, you may contact Sharon Kivowitz at 212-637-3183 or [kivowitz.sharon@epa.gov](mailto:kivowitz.sharon@epa.gov).

Sincerely yours,



Nicoletta Di Forte  
Senior Enforcement Policy Advisor  
Emergency and Remedial Response Division

Enclosures

cc: Daniel Riesel, Sive Paget & Riesel







## **New Cassel and Hicksville**

**New York**

EPA ID#: NY0001095363

### **EPA REGION 2**

Congressional District(s): 05 Nassau

### **NPL LISTING HISTORY**

Proposed Date: 3/10/2011

Final Date: 9/16/2011

#### **Site Description**

EPA listed the New Cassel/Hicksville Ground Water Contamination Site (Site) on the National Priorities List (NPL) of sites eligible for long-term remedial action financed under the Comprehensive Environmental Response, Compensation, and Liability Act, more commonly known as Superfund, on September 16, 2011. The Site is considered to be an area of widespread groundwater contamination within the Towns of North Hempstead, Hempstead and Oyster Bay in Nassau County, New York.

In 2010, EPA collected groundwater samples from raw (pre-treated) water from multiple public supply wells (PSWs) in central Nassau County and analyzed the raw water samples to determine whether volatile organic compounds (VOCs) were present above the Maximum Contaminant Level (MCL). VOCs are contaminants that evaporate easily into the air and dissolve in water. The MCL is a federal standard for drinking water quality that is a legal threshold limit on the amount of a substance that is allowed in public water systems under the Safe Drinking Water Act. EPA's 2010 analytical results determined that there were VOCs above the MCL in the raw water in four Town of Hempstead wells (Bowling Green 1 and 2, Roosevelt Field 10, and Levittown 2A), six Hicksville wells (4-2, 5-2, 5-3, 8-1, 8-3, and 9-3) and Westbury Water District Well 11.

#### **Threat and Contaminants**

The primary contaminants of concern for the Site are tetrachloroethylene (PCE), trichloroethylene (TCE) and other VOCs. VOCs are often used as ingredients in paints, solvents, aerosol sprays, cleaners, disinfectants, automotive products and dry cleaning fluids. While no individual sources were identified in EPA's March 2011 Hazard Ranking System listing package for inclusion on the NPL, it is believed that past industrial and commercial activities in the area may have contributed the ground water contamination at the Site.

To date, the New York State Department of Environmental Contamination (NYSDEC) has evaluated 17 individual sites within the New Cassel Industrial Area (NCIA), located in the Town of North Hempstead, which are listed on the Registry of Inactive Hazardous Waste Sites in New York State. Responsible parties for these NCIA sites have implemented remedial actions associated with VOC contamination in soils and on-site groundwater. These sites remain under NYSDEC's oversight.

Within the Town of Hempstead, two public supply wells, Bowling Green Well 1 and 2, located approximately 1,500 feet downgradient of the NCIA were found to have TCE and PCE in raw

water above the MCL. Raw groundwater pulled from these wells is treated prior to distribution to a population of more than 8,000 people.

During EPA's 2010 pre-NPL sampling, a public supply well field in Hicksville, which is in the Town of Oyster Bay, was found to have exceedances of PCE and TCE above the MCL in the raw ground water. Water from the Hicksville PSWs is treated prior to distribution to a population of more than 24,000 people.

Concentrations of VOCs above the MCL were also found in Hicksville Well 9-3, Hicksville Well 8-3, Hicksville Well 8-1, Hicksville Well 4-2, Hempstead-Levittown Well 2A, Hempstead-Roosevelt Field Well 10, and Westbury Well 11. The PSWs are tested regularly for water quality prior to distribution to the public and continues to meet federal and state water quality standards.

#### **Cleanup Approach**

EPA will be addressing the site in discrete phases or components known as operable units or OUs. An operable unit represents a portion of the site remedy that for technical or administrative purposes can be addressed separately to eliminate or mitigate a release, threat of release or exposure pathway resulting from site contamination. EPA anticipates that there will be multiple OUs for the site.

The first phase of cleanup at the site addresses a portion of the contaminated groundwater downgradient of the New Cassel Industrial Area in North Hempstead and Hempstead. Recently, EPA finalized its plan to clean up the contaminated groundwater as outlined in the September 2013 Record of Decision. Other phases of cleanup at the site will include, but may not be limited to, the areas downgradient of the phase 1 cleanup, the Sylvania and the General Instruments sites in Hicksville, as well as areas impacting Hicksville public supply wells 4-2, 8-1, 8-3, 9-3 and Hempstead-Levittown 2A.

#### **Site Repositories**

U.S. Environmental Protection Agency, Region 2, Superfund Records Center 290 Broadway, 18th Floor, New York, NY 10007-1866

Westbury Public Library, 445 Jefferson Street, Westbury, New York





